
OTHER LEGISLATIVE MEETINGS

ITEM-300: ROLL CALL.

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

ITEM-330: San Diego River Park Draft Master Plan. (Mission Bay Park, Mission Valley, Navajo, Tierrasanta, and Mission Trails Regional Park Community Areas. Districts 2, 6, and 7.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: Informational report only.

Noticed Hearings, Discussion

ITEM-331: Two actions related to Torrey Pines Public Facilities Financing Plan, FY 2005. (Torrey Pines Community Area. District 1.)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 5/18/2005, LU&H voted 3 to 0 to approve.

ITEM-332: Three actions related to Condemnation of Property for the Carmel Valley Trunk Sewer Project. (Pacific Highlands Ranch Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-333: YMCA Turning Point. (City Heights Community Plan Area. District 3.)

Matter of approving, conditionally approving, modifying or denying YMCA Turning Point Conditional Use Permit to operate an 18-bed transitional housing program in an existing 6-unit apartment complex. This project is within the Mid-City Communities Plan Area.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

ITEM-334: Auburn Park. (City Heights Community of the Mid-City Communities Plan Area. District 7.)

Matter of approving, conditionally approving, modifying or denying a Progress Guide and General Plan and Community Plan Amendment (1.95-acres from Industrial to Residential, 21-25 Dwelling Units per Acre), a Rezone of 2.8-acres from CC-5-4 (a Commercial Community Zone) to RM-2-5 (a Multi-family Residential Zone), and an Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Development Permit, and Site Development Permit to demolish an existing residential duplex and construct 68 affordable and one manager occupied (for rent) residential units in three, three- and four-story buildings above two levels of underground parking, and one, one-story community/manager's office building, on an 85,060 square-foot (1.95-acre) site at 5085 University Avenue. The project site is within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Neighborhood of the Mid-City Communities Planning Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A, B, and E; introduce the ordinance in subitem C; and adopt the resolution in subitem D to grant the permits.

ITEM-335: Cabrillo Point Loma. (Midway-Pacific Highway Corridor Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying a requested amendment to Conditional Use Permit No. 88-0252 to eliminate a portion of an existing medical facility from the scope of the CUP, and approval of a Planned Development Permit, Vesting Tentative Map Waiver and Public Right of Way Vacation of Kenyon Court. The project proposes demolition of two existing medical buildings and construction of 170 residential condominium units, including deviations to retaining wall design criteria, on a 13.72-acre site at 3481 Kenyon Street (APNs 441-290-16, -17, & 441-360-18) in the CO-1-2 Zone, Airport Environs and Airport Approach Overlay, within the Midway Pacific Highway Corridor Community Plan.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and D; and adopt the resolutions in subitems B and C to grant the permits.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

- ITEM-336: Public Hearing: (Various Surcharge Funded Underground Utility Districts. (Various Community Plan Areas. Districts 1, 4, 6, and 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-337: Mitigated Negative Declaration for Various Underground Utility Districts with Mitigation Monitoring and Reporting Program. (Various Community Plan Areas. Districts 2, 3, 6, 7, and 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-338: Initiation-Community Plan Amendment-Villa Costa Vista. (Carmel Valley and Pacific Highlands Ranch Community Plan Areas. District 1.)
- Matter of an appeal by McKean Natural Gas, Inc., John Vertullo, President, of the decision by the Planning Commission in denying a proposal to initiate land use plan amendments requested for a 40-acre site north of Marcasel Place in the Carmel Valley community and east of Old El Camino Real in the Pacific Highlands Ranch community. Land use plan amendments require 'initiation' in order to be evaluated and processed for consideration of approval per Municipal Code Section 122.0103. This initiation request was denied by the Planning Commission at their meeting February 24, 2005. The project applicant requests that the Planning Commission decision to deny initiation be considered by the City Council as provided for in the Municipal Code. If initiated, the land use plan amendments will be processed to a decision at a future public hearing(s).
- CITY MANAGER'S RECOMMENDATION: Adopt the resolution to grant the appeal and approve the initiation and overturn the decision of the Planning Commission in denying the initiation.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:**

ITEM-330: San Diego River Park Draft Master Plan.

(See City Manager Report CMR-05-132 and Draft June 2005 San Diego River Park Master Plan. Mission Bay Park, Mission Valley, Navajo, Tierrasanta, and Mission Trails Regional Park Community Areas. Districts 2, 6, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-196 Cor. Copy)

Accepting the City Manager's Report No. 05-132, regarding the San Diego River Park Draft Master Plan.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Informational report only.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-331: Two actions related to Torrey Pines Public Facilities Financing Plan, FY 2005.

(See City Manager Report CMR-05-118; and Draft June 2005 Public Facilities Financing Plan (PFFP). Torrey Pines Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-1156 Cor. Copy)

Approving the document titled "Torrey Pines Public Facilities Financing Plan, Fiscal Year 2005."

Subitem-B: (R-2005-1160)

Approving the Development Impact Fee Schedule for properties within Torrey Pines.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/18/2005, LU&H voted 3 to 0 to approve. (Councilmembers Peters, Atkins, and Frye voted yea. Councilmembers Young and Inzunza not present.)

Staff: Vicki Burgess – (619) 533-3684
David Miller – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Three actions related to Condemnation of Property for the Carmel Valley Trunk Sewer Project.

(See City Manager Report CMR-05-113. Pacific Highlands Ranch Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1105 Cor. Copy)

Determining that the public interest and necessity require the acquisition of certain land and directing the filing of eminent domain proceedings for the Carmel Valley Trunk Sewer Project (APNS 305-060-20, 305-040-20, 305-040-21, and 305-021-16).

Subitem-B: (R-2005-1106)

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$370,750 from Developer's Trust Account No. 63020 for acquisition of property rights, condemnation, labor, title, escrow, and miscellaneous costs, upon the adoption.

Subitem-C: (R-2005-1352)

Stating for the record that determining that the public interest and necessity require the acquisition of certain land and directing the filing of eminent domain proceedings for the Carmel Valley Trunk Sewer Project is a subsequent discretionary approval of the Project addressed in the Mitigated Negative Declaration No. 4411 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final the Mitigated Negative Declaration, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of determining that the public interest and necessity require the acquisition of certain land and directing the filing of eminent domain proceedings for the Carmel Valley Trunk Sewer Project does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

Staff: Lane MacKenzie – (619) 236-6050
Leslie A. FitzGerald – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: YMCA Turning Point.

Matter of approving, conditionally approving, modifying or denying YMCA Turning Point Conditional Use Permit to operate an 18-bed transitional housing program in an existing 6-unit apartment complex. This project is within the Mid-City Communities Plan Area.

(See City Manager Report CMR-05-135. City Heights Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-)

Adoption of a resolution granting or denying Conditional Use Permit No. 83865, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

The City Heights Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The relatively flat rectangular shaped 6,250 square-foot site is located at 4262 Swift Avenue on the west side of Swift Avenue between El Cajon Boulevard to the north and Orange Avenue to the south. The site is located in the Central Urbanized Planned District portion of the Mid-City Communities Plan within the City Heights Community of the CT-2-3 zone. Although the site is within the CT-2-3 zone it has been developed by applying use and development regulations for the RM-2-5 zone. Development in the CT-2-3 zone is subject to the CU-2-3 zone use and development regulations if the development is also within the CU-2-3 zone and fronts on a major street as designated in the applicable community plan. Or as in this case, if no portion of the development is in the CU-2-3 zone or if no portion fronts on a major street then the RM-2-5 zone use and development regulations apply (San Diego Municipal Code (SDMC) Section 151.0236(b)).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The subject property is currently improved with an existing 5,102 square-foot, 6-unit apartment complex that was constructed in 1990. The building was then operating as an apartment complex until the year 2003, when the Young Men Christian Association (YMCA) Youth and Family Services program purchased it. The YMCA purchased the complex to relocate the Turning Point Transitional Living Program from its current rented location. From December of 2003 to the present the YMCA has been renting the apartments to participants of the Turning Point Program and providing services to them at a separate off-site location.

FISCAL IMPACT:

All costs associated with the processing of this project are paid by the applicant through maintenance of a deposit account with the City of San Diego.

Oppenheim/Halbert/VSL

Staff: Vena Lewis - (619) 446-5197

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: Auburn Park.

Matter of approving, conditionally approving, modifying or denying a Progress Guide and General Plan and Community Plan Amendment (1.95-acres from Industrial to Residential, 21-25 Dwelling Units per Acre), a Rezone of 2.8-acres from CC-5-4 (a Commercial Community Zone) to RM-2-5 (a Multi-family Residential Zone), and an Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Development Permit, and Site Development Permit to demolish an existing residential duplex and construct 68 affordable and one manager occupied (for rent) residential units in three, three- and four-story buildings above two levels of underground parking, and one, one-story community/manager's office building, on an 85,060 square-foot (1.95-acre) site at 5085 University Avenue. The project site is within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Neighborhood of the Mid-City Communities Planning Area.

(MND/MMRP/PG&GP/CPA/RZ No. 125169/SDP No. 125168/PDP No. 215840/VTM No. 187264/Public R-O-W Vacation No. 215839/EA No. 194355/Project No. 43239. City Heights Community of the Mid-City Communities Plan Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, B, and E; introduce the ordinance in subitem C; and adopt the resolution in subitem D to grant the permits:

Subitem-A: (R-2005-1283)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 43239 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a General and Community Plan Amendment, rezone, site development permit/planned development permit, and vesting tentative map/public right-of-way vacation/easement abandonment for the Auburn Park Project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-A: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-1285)

Adoption of a Resolution amending the Mid-City Communities Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above-amended plan.

Subitem-C: (O-2005-142)

Introduction of an Ordinance changing 2.8 acres, located on the southwest corner of University Avenue and 52nd Street, in the City Heights Community of the Mid-City Communities Plan Area, in the City of San Diego, California, from the CC-5-4 Zone into the RM-2-5 Zone (previously referred to as the R-1500 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-18855 (New Series), adopted October 2, 2000, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2005-)

Adoption of a Resolution granting or denying Site Development Permit No. 125168 and Planned Development Permit No. 215840, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-E: (R-2005-1284)

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 187264, said findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code section 66445(j), a portion of University Avenue, located within the project boundaries as shown in Vesting Tentative Map No. 187264, shall be vacated, reserving therefrom an easement for drainage together with ingress and egress for that purpose, and contingent upon the recordation of the approved parcel map for the project;

That pursuant to California Government Code section 66445(j), public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 1-87264, shall be vacated, contingent upon the recordation of the approved Parcel Map for the project;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 187264 is granted to Auburn Park Family Housing, LLC, Applicant/Subdivider and Masson & Associates, Inc., Engineer, subject to the attached conditions, which are made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on May 26, 2005, voted 5-0 to recommend approval of staff's recommendations; was opposition.

Ayes: Ontai, Otsuji, Garcia, Chase, Steele

Not present: Schultz, Griswold

The City Heights Area Planning Committee on April 4, 2005, voted 10-4-0 to deny the project as proposed.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The Auburn Park project proposes a new 69-unit, affordable housing apartment complex on a 1.95-acre site located on the southwest corner of University Avenue and 52nd Street within the City Heights Community of the Mid-City Communities Plan Area. The project is exceeding the requirements of the City's Inclusionary Housing Ordinance by setting aside 68 units (1 unit is a Manager's unit) for low-income households earning no more than 60 percent of Area Median Income. The 68 affordable units would be comprised of 10 studio units, 26 one-bedroom units, 12 two-bedroom units, and 20 three-bedroom units. Rents for all 68 units would be affordable for a period of at least 55 years.

The Auburn Park project also includes the restoration and enhancement of the Auburn Creek Branch of Chollas Creek, consistent with the Chollas Creek Enhancement Plan; an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public; a community building, housing onsite management, a computer lab, a trash/recycle room, and two levels of underground parking, housing 108 off-street parking spaces. The proposed apartment complex would consist of two three-story and one four-story buildings.

The project requires amendments to the Progress Guide and General Plan and the Mid City Communities Plan to redesignate the project site from "Industrial" to "Residential"; a Rezone from CC-5-4 to RM-2-5; a Vesting Tentative Map, Site Development Permit, Planned Development Permit, Public Right-of-Way Vacation, and an Easement Abandonment.

FISCAL IMPACT: None. All costs associated with this project are recovered through a deposit account funded by the applicant.

WATER QUALITY IMPACT STATEMENT: During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Water Pollution Control Plan (WPCP) in conjunction with the building plans. The WPCP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system and the adjacent creek. The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long-term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

LEGAL DESCRIPTION:

The project site is located at 5085-5113 University Avenue in the City Heights Community and is more particularly described as a portion of Lots 1, 6 and 7 and all of Lots 2, 3 and 8 of Oak Park annex according to Map thereof No. 1764 and Lot 17 of Oak Park according to Map thereof No. 1732.

Staff: Dan Stricker – (619) 446-5251

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: Cabrillo Point Loma.

Matter of approving, conditionally approving, modifying or denying a requested amendment to Conditional Use Permit No. 88-0252 to eliminate a portion of an existing medical facility from the scope of the CUP, and approval of a Planned Development Permit, Vesting Tentative Map Waiver and Public Right of Way Vacation of Kenyon Court. The project proposes demolition of two existing medical buildings and construction of 170 residential condominium units, including deviations to retaining wall design criteria, on a 13.72-acre site at 3481 Kenyon Street (APNs 441-290-16, -17, & 441-360-18) in the CO-1-2 Zone, Airport Environs and Airport Approach Overlay, within the Midway Pacific Highway Corridor Community Plan.

(MND/MMRP/CUP No. 211334/Amend CUP No. 88-0252/PDP No. 33123/VTM No. 211022/Public Right-of-Way Vacation No. 61681/Project No. 23708. Midway-Pacific Highway Corridor Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and D; and adopt the resolutions in subitems B and C to grant the permits:

Subitem-A: (R-2005-1286)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 23708 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Cabrillo Point Loma – Project No. 23780;

That project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code, section 21081.6, hereby adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-)

Adoption of a Resolution granting or denying Conditional Use Permit No. 211334, amendment to Conditional Use Permit No. 88-0252, with appropriate findings to support Council action.

Subitem-C: (R-2005-)

Adoption of a Resolution granting or denying Planned Development Permit No. 33123, with appropriate findings to support Council action.

Subitem-D: (R-2005-1287)

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 211022, said findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code section 66445(j), Kenyon Court, located within the project boundaries as shown in Vesting Tentative Map No. 211022, shall be vacated , reserving therefrom, an easement for utility purposes, and contingent upon the recordation of the approved Parcel Map for the project;

That pursuant to California Government Code section 66445(j), public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 211022, shall be vacated, contingent upon the recordation of the approved Parcel Map for the project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Subitem-D: (Continued)

That the recommendations of the Planning Commission and Vesting Tentative Map No. 211022, is hereby granted to Loma Cabrillo LLC and Lennar-Greystone Homes, Applicant/Subdivider, subject to the attached conditions which are made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on April 21, 2005, voted 5 – 0 to approve; was opposition.

Ayes: Steele, Ontai, Schultz, Garcia, Chase

Recusing: Otsuji

Not present: Griswold

The Midway Community Planning Advisory Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

Council action is requested for three discretionary actions: (1) amendment to Conditional Use Permit No. 88-0252; (2) Planned Development Permit; and (3) Vesting Tentative Map. These actions will allow demolition of two existing medical buildings, construction of hospital parking areas, vacation of the Kenyon Court public right-of-way, realignment/abandonment of utility easements, and construction of a new 170 unit residential townhome condominium development. The project site is within the Midway Pacific Highway Corridor Plan, Council District 2.

The Midway Community Planning Advisory Committee considered the project at their meeting on July 14, 2004, and voted to approve the project 7-1-0 contingent on compliance with the project's conceptual plans regarding architecture and landscaping.

On April 21, 2005, the Planning Commission voted 5-0 to recommend to the City Council that the project be approved, with the condition that existing mature trees at the property's southwest boundary adjacent to neighboring single-family residences be saved and replanted in place as part of the development. In the event the trees did not survive the replanting or were not thriving during the first 5 years after construction, similar species would be installed in kind and place at a minimum size of 24" box. The applicant has agreed to this condition and the project documents reflect this project enhancement.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Housing Impact Statement: The Inclusionary Housing ordinance requires all new residential development of two units or more to provide affordable housing. This project has opted to pay in-lieu fees instead of providing on-site affordable housing units. Construction of 170 new residential condominium units as proposed will supplement the existing housing supply in San Diego and will not adversely impact housing supply or affordability.

Staff finds the project in accordance with the provisions of Council Policy, the Municipal Code, the CEQA, the City's Progress Guide and General Plan, and the Midway Pacific Highway Corridor Community Plan.

Ewell/Halbert/PJF

LEGAL DESCRIPTION:

The site is located at 3481 Kenyon Street in the CO-1-2 Zone within the Midway/Pacific Highway Corridor Community Plan and is more particularly described as Parcel 1 & 2 of Parcel Map 19321 and Parcel 1 of Parcel map 1953.

Staff: PJ FitzGerald – (619) 446-5240.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: Public Hearing: Various Surcharge Funded Underground Utility Districts.

(Various Community Plan Areas. Districts 1, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1026)

A Resolution establishing an Underground Utility Districts financed through the San Diego Gas & Electric Undergrounding Surcharge Fund.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0 Annual Allocation - Underground of City Utilities, and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also provide and plant a new tree for any property owners who are willing to take responsibility for the watering and caring of the tree until it becomes established.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

FISCAL IMPACT:

The construction cost and the other indirect costs such as administration, street light replacement, street improvement, minor City forces and other related work is estimated at \$15,679,594. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

MendesBoekamp/AO

Staff: Nathan Bruner - (619) 533-3777

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: Mitigated Negative Declaration for Various Underground Utility Districts with Mitigation Monitoring and Reporting Program.

(Various Community Plan Areas. Districts 2, 3, 6, 7, and 8.)

(Continued from the meeting of May 24, 2005, Item 330, at the City Manager's request, in order to coincide with the public hearing).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1040)

A Resolution establishing an Underground Utility Districts financed through the San Diego Gas & Electric Undergrounding Surcharge Fund.

Subitem-B: (R-2005-1041 Cor. Copy)

Certifying that Mitigated Negative Declaration Project No. 63220, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the following underground utility districts:

- District 2 Block 2-J, as described in Exhibit A, to this resolution and more particularly shown on Drawing No. 33492-1-D, and;
- District 3 Block 3-EE, as described in Exhibit B, to this resolution and more particularly shown on Drawing No. 33493-1-D and;
- District 7 Block 7-CC, as described in Exhibit C, to this resolution and more particularly shown on Drawing No. 33496-1-D, and;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-B: (Continued)

- District 8 Block 8-G, as described in Exhibit D, to this resolution and more particularly shown on Drawing 33497-1-D and;
- Hotel Circle North from Circle South to Hotel Circle Place, as described in Exhibit E, to this resolution and more particularly shown on Drawing No. 33555-1-D.

That pursuant to California Public Resource Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding this project.

CITY MANAGER SUPPORTING INFORMATION:

This action is to approve the Mitigated Negative Declaration for various Underground Utility Districts with a Mitigation Monitoring and Reporting Program. The proposed districts are identified in CIP-37-028.0, "Annual Allocation – Underground of City Utilities," and will underground the overhead utility facilities within the designated districts. The public hearing to consider whether to create these districts is scheduled for 6/21/2005.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

It is the responsibility of the individual property owner(s), for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s), within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also provide and plant a new trees for any property owner(s) who are willing to take responsibility for the watering and caring of the tree until it becomes established.

FISCAL IMPACT:

None with this action alone. The impact associated with creation of the Underground Utility Districts, like the construction cost and other indirect costs such as administration, archaeological monitoring, street light replacement, street improvement, minor City forces, and other related work, is estimated at \$16,181,792. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

Staff: Nathan Bruner – (619) 533-3777.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: Initiation-Community Plan Amendment-Villa Costa Vista.

Matter of an appeal by McKean Natural Gas, Inc., John Vertullo, President, of the decision by the Planning Commission in denying a proposal to initiate land use plan amendments requested for a 40-acre site north of Marcasel Place in the Carmel Valley community and east of Old El Camino Real in the Pacific Highlands Ranch community. Land use plan amendments require 'initiation' in order to be evaluated and processed for consideration of approval per Municipal Code Section 122.0103. This initiation request was denied by the Planning Commission at their meeting February 24, 2005. The project applicant requests that the Planning Commission decision to deny initiation be considered by the City Council as provided for in the Municipal Code. If initiated, the land use plan amendments will be processed to a decision at a future public hearing(s).

The requested land use plan amendment would shift the location of the residentially designated portions of the site and decrease the amount of designated open space in anticipation of future development of either one residence or several residences (as determined by the existing or proposed allowable residential density).

(Project No. 46519. Carmel Valley and Pacific Highlands Ranch Community Plan Areas. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the appeal and approve the initiation and overturn the decision of the Planning Commission in denying the initiation:

(R-2005-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in denying the initiation of an amendment to the Villa Costa Vista Community Plan and Progress Guide and General Plan to modify the residentially designated area on a 40-acre site.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on February 24, 2005, voted 6-0 to deny the initiation; was opposition.

Ayes: Garcia, Chase, Schultz, Ontai, Otsuji, Steele
Not present: Griswold

The Carmel Valley Community Planning Board on December 7, 2004, recommended denial of the initiation of the land use plan amendments. At the applicant's request, the Planning Board reconsidered the proposed land use plan amendments at their February 8, 2005 meeting. The Planning Board voted 14-0-0 to recommend denial of the plan amendment initiation.

CITY MANAGER SUPPORTING INFORMATION:

The proposed land use plan amendments to the Carmel Valley and Pacific Highlands Ranch Community Plans would shift the location of the residentially designated portions of the 40-acre subject property and decrease the amount of designated open space. Open space would decrease from 35 acres to 30 acres. The applicants justifies the decrease in open space through an adjustment of the MSCP preserve boundary onsite, and by utilizing provisions of the Environmentally Sensitive Lands regulations that allow a 25 percent developable area.

The City Manager supports initiation of the proposed land use plan amendments as meeting all four supplemental criteria identified in the Municipal Code Section 122.0104. Planning Department staff evaluated the proposed land use plan amendments and determined that the proposed shift in the location of the residentially designated areas within the site met the supplemental criteria, and that the proposed decrease in the amount of natural open space onsite would require further study. Shifting the location of the development area closer to Old El Camino Real may avoid impacts to steep slopes and preserve the scenic value of the ridgeline in the center of the property. Initiating the land use plan amendments would allow further study of the impact of any loss of open space and evaluate mitigation or other public benefits that could be proposed. The Department's recommendation is discussed in more detail in the report provided to the Planning Commission (P-05-094).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

At their meeting February 24, 2005, the Planning Commission denied the initiation request because they did not concur that the initiation criteria could be met, largely due to the lack of public benefit if the amount of open space is decreased onsite. The Commission provided specific direction that any land use and zoning boundary shift should be minor in nature and done to protect the environment and not to expand the development opportunity in either area.

FISCAL IMPACT: None. The initiation request is for a private development project. All processing costs are paid by the applicant through a deposit account.

Oppenheim/Goldberg/RJM/BT

Staff: Bernie Turgeon – (619) 533-6575.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT